

35.C12641



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
MASATO YAMANOBE, ET AL.)
Application No.: 09/041,639)
Filed: March 13, 1998)
For: IMAGE-FORMING APPARATUS) May 31, 2001

Examiner: A. Patel
Group Art Unit: 2875

Commissioner for Patents
Washington, D.C. 20231

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OFFICE OF PETITIONS

PETITION UNDER 37 C.F.R. §1.181 OR
CONDITIONALLY UNDER 37 C.F.R. §1.137(a) AND
M.P.E.P. §711.03(c) TO WITHDRAW HOLDING OF ABANDONMENT

Sir:

Applicants hereby petition the Commissioner to
restore pending status to the above-identified abandoned
application. This Petition is accompanied by:

1. A Declaration under M.P.E.P. §711.02 of Scott D.
Malpede; and
2. A Declaration under M.P.E.P. §711.02 of Howard
S. Greenberg, together with an exhibit of docketing records
concerning due dates for Patent Office filings for the relevant
periods in the above-identified application.

FACTS

On April 26, 2001, the undersigned's law firm received a Notice of Abandonment mailed April 23, 2001, regarding the above-identified application. The Notice stated that the application is abandoned because a response to an Office Action mailed September 12, 2000, has not been filed. However, Applicants never received an Office Action in the above-identified application, as evidenced by the attached Declarations of Scott D. Malpede and Howard S. Greenberg, and therefore was not aware of any requirement to file a response to the Office Action.

REQUEST


Accordingly, the Commissioner is hereby requested to revive this application by withdrawing the Notice of Abandonment mailed April 23, 2001, to remail the Office Action and to re-set the period for response thereunder.

FEE

The Commissioner is hereby authorized to charge Deposit Account No. 06-1205 for any petition fee which may be due. However, since Applicants believe that the abandonment occurred through no fault of his own, no fee should be due.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Attorney for Applicants

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